IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 13808 of 2006
Date of decision September 7, 2006

Gagandeep Sharma

.....Petitioner

Versus

Baba Farid University of Health Sciences and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL AND
HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Sh. Gursewak Singh Singhpuria, Advocate
for the petitioner.

Sh. Anupam Gupta, Advocate
for the respondents.

****

The petitioner has approached this Court claiming that he is eligible to seek admission in BAMS as the qualifying examination of the petitioner has been duly recognized.

Concededly, the petitioner had cleared his 10+2 examination from National Institute of Open Schooling. According to the petitioner the aforesaid examination cleared by him is equivalent to 10+2 examination conducted by the Central Board of Secondary Education. Reliance in this regard is placed upon a communication dated October 30, 1991, Annexure P-4 and communication dated August 17, 2006, Annexure P-6.

On the other hand Sh. Anupam Gupta, learned counsel appearing on behalf of the respondents has placed reliance upon eligibility conditions contained in the prospectus with regard to BAMS/BHMS

course, Sh. Gupta has drawn our attention to clauses (iii) and (iv) of paragraph 'C' Part -II of the eligibility conditions. The aforesaid paragraphs read as under:-

> *"(iii) 85% seats shall be filled from amongst bona fide residents of Punjab who have studied during their 10+1 and 10+2 examination or other qualifying examination in place of 10+2, as listed in 2 I A (i) (a) to (f)above as regular student from a recognized institution situated in Punjab.*
>
> *(iv) 15% seats shall be open to candidate who have studied 10+1 and 10+2 examination or equivalent examination*
>
> *with Physics, Chemistry, Biology and English as regular student from a recognized institution from anywhere in the country outside Punjab. However, if the requisite numbers of eligible qualified candidates are not available under 85% quota, the vacant seats shall be transferred to 15% quota and vice versa."*

On the strength of the aforesaid eligibility conditions, Sh. Gupta had maintained that to be eligible for the aforesaid course a student was required not only to pass 10+2 examination or equivalent examination from a recognized institution but was also required to be a regular student in terms of the aforesaid clause. Since the petitioner was not a regular student but has obtained his 10+2 or other equivalent examination from National Institute of Open Schooling, therefore, he cannot be treated to be a regular student in view of the eligibility conditions. We find merit in the contention raised by Sh. Anupam Gupta.

Consequently, we do not find any merit in the present petition.

Dismissed.

(VINEY MITTAL)
JUDGE

(H.S. BHALLA)
JUDGE

September 7, 2006
archana